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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1277th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 17 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Sixth periodic report of Gabon (CEDAW/C/GAB/6; CEDAW/C/GAB/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Gabon took places at the Committee table.*

2. **Ms. Dikoumba** (Gabon), introducing the sixth periodic report of Gabon (CEDAW/C/GAB/6), said that the reforms instituted by President Ali Bongo Ondimba placed particular emphasis on the rights of vulnerable persons, including women, and widows in particular. Amendments to the part of the Civil Code that dealt with inheritance provided that surviving spouses and their children could not be excluded from funeral arrangements, expelled from their homes or in any other way denied their rights, and established criminal penalties for violations of those rights. A bill to amend discriminatory provisions of the Social Security Code would also enhance the situation of widows, affirming their right to a widow's pension, subject to certain exceptions. In addition, a new decree on legal assistance should ultimately ensure free legal aid for all economically disadvantaged persons, although to date its benefits had been limited by an inadequate budget.

3. The Government was also firmly committed to fighting violence against women. The related legislative reforms would extend the range of sexual offences defined in the Criminal Code to include incest and spousal rape, and would introduce harsher penalties for all offences involving sexual assault. Any non-consensual sexual act within a marriage would henceforth carry a prison term of between 5 and 10 years.

4. The Ministry for the Family and the Advancement of Women had been restructured in 2009. Since the reorganization, instead of being addressed in isolation by a single ministerial department, gender issues were mainstreamed throughout the Government administration, at both the national and decentralized levels. The new ministerial structure (the Ministry of Health, Social Security, Solidarity and the Family) ensured a more coordinated approach to the development of economic, health-care and social policies, thereby benefiting women.

5. Although there were no discriminatory measures impeding the representation of women in elected office, the introduction of a minimum 30 per cent quota was being considered. Work to facilitate birth registration was under way, including campaigns to engage the responsibility of justice, health-care and civil registry officials and regional campaigns targeting the parents of undocumented children. Sensitization campaigns were also being used as a means to change sociocultural mores and break the taboo surrounding issues such as gender-based violence; the demographic and health survey conducted in 2012 had revealed that one in five women aged between 15 and 49 had been victims of sexual violence, but that less than half of them had sought assistance.

6. Gabon had one of the highest school enrolment rates in Africa, with few disparities evident between girls and boys. To ensure that young mothers were not excluded from education, in 2003 the Government had launched a national programme to build a network of nurseries providing day care for the children of school-age mothers at nominal cost. In rural areas, community-based facilities provided free day care for children under 5.

7. Non-discrimination and inclusion were also guiding principles of the State's labour legislation and policies. Examples of the practical application of those principles included an apprenticeship scheme sponsored by a major oil company which each year provided

training in oil-related trades to around 100 young persons without educational qualifications, including around 20 young women.

8. Illiteracy was more prevalent in rural than in urban areas, with only slight differences between the rates for men and women. In fact, Government efforts to improve female literacy through socioeconomic integration programmes and media awareness-raising campaigns, among other measures, had virtually eradicated the literacy gap among young persons aged between 15 and 24.

9. One of the key government programmes to reduce remaining social disparities was the Human Investment Strategy of Gabon – a programme of measures launched in 2014 that was designed to mitigate disparities in seven population groups identified as being particularly disadvantaged. Included among the seven groups were single mothers, widows and large families. Beneficiaries had access to financial assistance to cover basic food, health-care and educational needs, support for income-generating activities that helped them to become self-sufficient, and improved water, electricity, housing and transport infrastructures, inter alia. Since the Strategy's launch, 100 per cent of women diagnosed with breast or cervical cancer had received medical treatment and family allowances had been distributed to over 75,000 impoverished families. Single parents and widows were thus among the primary beneficiaries. The availability of microcredit to support income-generating activities had also increased.

10. The Government had also made headway in guaranteeing women's rights in marriage, although some discriminatory legal provisions remained in force. For example, although married women had the right to retain their birth name, they were not entitled to choose their place of residence. The possibility of legalizing customary marriage to reduce the discrimination suffered by women in unions of that kind was currently under consideration. The Government was aware that much remained to be done but was committed to fighting all forms of discrimination against women.

Articles 1 to 6

11. **Ms. Ameline** asked whether the State party had ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and, if not, what obstacles were preventing progress. Noting that the revisions to the Civil Code and the Criminal Code had been insufficient to eliminate discrimination in marriage, access to justice and other areas, she asked whether the State party had established a timetable for the repeal of all discriminatory provisions remaining in domestic law and when it would amend the definition of discrimination contained in the Constitution, as it had undertaken to do in 2008. She would also like to know which government or parliamentary body, if any, was responsible for determining priorities and ensuring a holistic approach to legislative reform.

12. Citing the State party's report, which indicated that women could challenge the constitutionality of a law by invoking the provisions of the Convention, she asked whether that option had ever been utilized. She would appreciate clarification regarding the remit of the National Human Rights Commission and its compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Lastly, highlighting the country's cultural, social and ethnic diversity, she asked how the State party ensured that all population groups were familiar with the law and enjoyed access to justice and that its highly active and capable civil society was utilized efficiently and effectively in awareness-raising initiatives.

13. **Ms. Gabr** asked the delegation to explain the roles of the Minister for Social Security and the Director-General for the Promotion of Women within the new ministerial structure. She was concerned that the reorganization might have rendered responsibility for

gender issues too dispersed and that coordination might be insufficient. Her concerns had been exacerbated by the State party's admission, in its replies to the list of issues (CEDAW/C/GAB/Q/6/Add.1), that it was unable to specify the share of the national budget allocated to the advancement of women. She sought the delegation's assurances as to the adequacy of the budget.

14. Emphasizing the importance of a central coordinating body with a clear mandate and discrete budget, she asked the delegation to describe the procedure for preparing periodic reports and replies to the list of issues, including details of the principal contributors and the input of civil society, and to clarify which body was responsible for following up on the concluding observations. Lastly, she asked whether the State party would be conducting an evaluation of the merits of the 2009 ministerial restructure.

15. **Mr. Ndong Ella** (Gabon) said that the process of ratifying the Maputo Protocol was proving cumbersome and circuitous but there were no fundamental obstacles; it was simply a question of completing the procedural and institutional formalities. The process of aligning the National Human Rights Commission with the Paris Principles was proving similarly lengthy and complex but he could assure the Committee that the Government was moving in the right direction. He also offered assurances of the value and importance attached to civil society and of the Government's commitment to increasing NGO involvement in the development of policies and measures for the advancement of women.

16. **Ms. Dikoumba** (Gabon) said that the Government's initial focus on improving the situation of widows and guaranteeing their rights had subsequently evolved into a far-reaching campaign to inform and educate all women about their rights and the various support mechanisms available to them. Civil society had been very closely involved in that process.

17. No timetable had been set for the revision of the remaining discriminatory provisions in the Civil Code, the Code of Criminal Procedure and certain other laws but the reforms were firmly on the Government agenda.

18. The new Ministry of Health, Social Security, Solidarity and the Family had responsibility and oversight in respect of vulnerable population groups and the mechanisms through which those groups could access social benefits and other support. The Ministry was composed of seven general directorates and women's issues featured particularly prominently in the work of several, and notably the Directorate-General for the Advancement of Women and the Directorate-General for the Protection of Widows and Orphans. Therefore, the restructure had in no way reduced the importance attached to women's issues and policies or diminished their visibility. Seeking to allay Ms. Gabr's fears of insufficient coordination, she explained that the logic behind the reorganization was that women's issues should be addressed in a cross-cutting manner and incorporated in all policies in all departments in all ministries, thereby guaranteeing gender mainstreaming throughout the State administration.

19. **Ms. Nadaraia** said that she would appreciate more specific information on special measures to accelerate the promotion of equality between women and men, and on how those measures were reviewed and promoted.

20. **Ms. Patten** requested further information on the proposed amendment to the provision of the Criminal Code pertaining to incest and asked whether the criminalization of marital rape had already been enacted. Noting with concern that the definition of rape in the State party's legislation was limited to victims aged under 15 and pregnant women, she asked whether that definition would be amended. She wished to know whether a comprehensive law on violence against women was foreseen, and she wondered what measures were being taken with regard to harmful cultural practices, in particular female genital mutilation, forced marriage and child marriage. She would be particularly interested

to hear how the Government showed that it did not condone those practices or their justification on grounds of sociocultural or religious tradition. Lastly, she asked what protection measures had been taken or were planned, such as setting up shelters or crisis centres for women victims of violence.

21. **Ms. Acar** asked why no specific laws were in place to punish violence against women in the State party, despite the high rates of sexual violence. While decrees on widows' rights and marital rape were commendable, a specific, comprehensive law on gender-based violence was still lacking. She asked for more information on the measures being taken to include a definition of gender-based discrimination in the State party's Constitution. Regarding measures to remove discriminatory provisions from civil and criminal legislation, she requested details on which provisions were being revised. She was particularly interested to know whether the civil law provision stating that husbands were the head of the family would be amended. She also wished to know whether the differing penalties for men and for women under criminal law, particularly with respect to adultery, would be revised. She wondered what was being done to eliminate the deep-rooted stereotypes on which such discriminatory provisions were based. She would appreciate more information on the prevalence of female genital mutilation, levirate and polygamy, and wished to know what measures were being taken to address those harmful practices, whether any progress had been made and whether their effectiveness had been evaluated.

22. **Ms. Leinarte**, turning to the issue of trafficking and prostitution, said that Gabon was well documented as a country of transit and destination for trafficked women and children victims of forced marriage, servitude and forced labour. While she acknowledged the State party's efforts to address trafficking in children, she wished to know why more was not being done to tackle trafficking in adults. She would be particularly interested to hear whether any specific legislation on trafficking was foreseen, and whether the shelters for trafficked children might also be used to house women victims aged over 18. Similarly, she asked whether the mandate of the Monitoring Committee on Child Trafficking could be expanded to include issues related to trafficking in adults. She wondered what measures were being taken to provide for the safe repatriation of women victims of trafficking, and whether special training was provided for social workers and law enforcement officers working with victims. She also wished to know whether any public awareness-raising campaigns were being run to combat trafficking in women and girls. On prostitution, she asked what legal provisions and other measures were in place to assist women wishing to leave prostitution.

23. **Ms. Gabr** said that, despite being party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), Gabon had taken measures to address only trafficking in children. She asked what anti-trafficking activities were being undertaken in the context of national plans, and in particular what measures were in place to address trafficking of young girls under the pretext of marriage. She also asked whether any compensation was offered to victims of trafficking.

24. **Ms. Dikoumba** (Gabon) said that Gabon was indeed a transit and destination country for trafficking. The Government was taking measures to protect victims and identify perpetrators, including revising legislation on trafficking and putting harsher penalties in place, which had resulted in the imprisonment of some perpetrators of trafficking. Comprehensive measures were being taken by the Ministry of Justice, the police force and the Director-General for Human Rights to provide protection for victims. It was, however, difficult to identify women victims of trafficking, since in many cases women had made the choice to migrate in search of work. Efforts were being made to identify victims of trafficking among migrant communities. A legal framework was in place

for setting up centres for abandoned elderly people, women victims of violence, persons with disabilities and street children.

25. Turning to the issue of deep-rooted cultural practices, she said that polygamy was recognized in the Civil Code: it was not a type of forced marriage, but rather a type of marriage that women entered into voluntarily. Even so, public awareness-raising and education campaigns were being run to promote monogamous marriage and discourage polygamy. A bill had recently been drafted to formalize traditional marriage, since it was not recognized under existing law and widows from traditional marriages therefore did not have access to widow's rights. Social workers in Gabon received similar training to that given in other countries, although it was adapted to the national sociocultural environment. Identifying young girls who were victims of forced marriage was a complex matter. If a social worker suspected a case of forced marriage, the situation would be looked into and appropriate measures taken. In a recent case, a young girl from Guinea had complained of having been forced into marriage. She had been taken into one of the centres for child victims of trafficking and the Gabonese authorities were cooperating with the United Nations Children's Fund (UNICEF) to address her situation. New legislation in line with the Palermo Protocol was in the pipeline. A small amount of compensation was provided for child victims of trafficking to assist in their return to their country of origin.

26. The consultant expert who had been involved in drafting the State party report had been recruited by the Government and had worked together with various stakeholders to ensure that their perspectives were taken into account.

27. **Ms. Ameline** said that there was an urgent need to bring domestic law in line with the Convention, since a lack of legal basis for the promotion and protection of women's rights meant that there could be no prosecution. She asked whether judges were trained on the content of the Convention and whether there was a process in place to ensure the pre-eminence of positive law over cultural practice.

28. **Ms. Dikoumba** (Gabon) said that the political will to promote women's rights was being translated into action through the legislative reform. The reform was, however, a work in progress, given that Gabon was a country in which customary law was prevalent. Efforts were being made to remove any discriminatory provisions from national law. At the same time, women must be made aware of their rights and public attitudes towards women must be changed. Legal reform alone would not be sufficient: discriminatory attitudes must be eliminated.

29. **The Chairperson** asked whether there was a time frame for completion of the legal reform.

30. **Ms. Halperin-Kaddari** asked whether marital rape had been criminalized.

31. **Ms. Schulz** expressed concern regarding the time it was taking to amend discriminatory legislation. In its previous concluding observations, issued in 2005 (A/60/38, paras. 220–255), the Committee had encouraged the State party to step up its efforts to increase awareness about the importance of legal reform for achieving de jure and de facto equality for women. That reform process was still under way, and she wished to know when tangible results might be seen.

32. **Ms. Dikoumba** (Gabon) said that marital rape had been criminalized in 2013, and was punishable by deprivation of liberty for a period of 5 to 10 years and a fine. Although many laws had been revised to eliminate any discriminatory provisions, a number of draft laws that had been under parliamentary consideration had been withdrawn on the grounds that they contained discriminatory provisions and should therefore be revised. The process was a gradual one, but progress was being made and several revised laws would be promulgated in the near future. Efforts were also ongoing to educate parliamentarians, who

were predominantly men, to recognize discriminatory provisions in law. Gabon's legal texts had been written by men and efforts were therefore required to promote the rights of women in parliament. Many women, including women parliamentarians, were affected by customary law.

33. Traditional marriage accounted for 80 per cent of marriages in Gabon. A committee of traditional leaders, judges and civil society experts had been established to discuss the formalization of traditional marriage and the setting of standards to ensure that wives in traditional marriages could enjoy their rights. The new law would be enacted in the near future.

Articles 7 to 9

34. **Ms. Ameline** said that the State party should take steps to introduce a quota regarding the number of female parliamentarians and suggested that measures should be introduced to enable women diplomats to be accompanied by their spouses upon being posted abroad. As to national development plans, particularly the Human Investment Strategy, she asked how the Government ensured that women played an active role in the corresponding decision-making process. She also asked whether women were appointed to senior public sector posts on a systematic basis and whether the State party would consider taking practical steps to ensure that women were involved in the work of decision-making bodies in companies.

35. **Ms. Schulz** asked when the work on birth registration in Estuaire Province would be extended to the other provinces; what the outcome of that work had been; when existing relevant legislation would be amended; when fees for the issuance of birth certificates would be abolished; whether there were any penalties for health-care personnel who hindered the birth certificate issuance procedure (either through inefficiency or in order to ensure the payment of hospital fees); and whether the authorities would consider doing away with the rule whereby parents must go in person to the local authorities in order to register a birth. She asked whether, given the high rate of assisted births in Gabon, it would be possible for health-care personnel and parents to register births by mobile telephone. Lastly, she asked whether United Nations agencies operating in the State party had provided any support regarding efforts to end statelessness.

36. **Ms. Dikoumba** (Gabon) said that a bill to introduce a quota system for women and young persons in elected posts was currently before the Parliamentary Commission on Social Affairs.

37. The Human Investment Strategy focused on helping women through the payment of social welfare, health, education and childcare benefits, albeit subject to certain conditions, designed to ensure that women became actors in the process rather than mere beneficiaries: for example, in order to access child benefit payments, parents had to show up-to-date vaccination cards for their children. Other benefit-linked obligations had been introduced with the aim of reducing school absenteeism and dropout rates and the levels of maternal and infant mortality.

38. A national study on the process of issuing birth certificates had identified a number of shortcomings in the conduct of health-care personnel and administrative officials, as well as negligence on the part of parents. A programme on joint responsibility had been set up, involving hospitals, local authorities and families. In addition, civil registry officials and community leaders and administrators in rural areas were to be provided with training on birth registration.

39. **Ms. Ameline** asked for further details of the bill on quotas for women and young persons in elected posts. She also wished to know whether women had been involved in the negotiations concerning the Human Investment Strategy.

40. **Ms. Schulz** asked whether the bill on quotas made provision for candidate lists alternating men and women, and whether political parties would be penalized if they failed to comply.

41. **Ms. Dikoumba** (Gabon) said that the State party received support from various United Nations agencies in its efforts to end statelessness. She said that Gabon took in refugees from neighbouring countries and provided them with assistance, as well as working with the countries of origin to ensure that refugees could return home once the security situation had improved.

42. **Ms. Biyogou Minko** (Gabon) said that the Ministry of Human Rights had recommended that the Government should take action to ensure that children of foreign nationals and child refugees were covered in the next phase of the birth registration programme.

43. **Ms. Dikoumba** (Gabon) said that the birth registration programme was still ongoing and that the results were not yet available. To date, work had been carried out only in Libreville and in Estuaire Province, but the programme would be extended to cover the remaining provinces in the coming weeks.

44. There were no penalties for health-care personnel who hindered the issuance of birth certificates. However, childbirth services were now provided completely free of charge in all cases. There were plans to issue birth certificates automatically, to computerize the procedure and to ensure that civil registry officials visited hospitals in order to issue birth certificates.

45. Lists of candidates for elected posts had not yet been drawn up. Discussions would be held in the near future with women ministers and parliamentarians on the contents of the quota bill. Sanctions for political parties which failed to comply could only be introduced once the bill had become law.

Articles 10 to 14

46. **Ms. Zou** Xiaoqiao congratulated the Government of Gabon on its success in improving the primary school attendance rate and on the assistance provided to young mothers wishing to continue their education. However, in its previous concluding observations (A/60/38, paras. 241–242), the Committee had expressed concern at the high dropout rates of 39.94 per cent in junior high school and 7.20 per cent in upper high school in Gabon and had recommended that the State party prioritize efforts to ensure equal access of girls and young women to all levels of education and to increase their rates of enrolment and retention. Unfortunately, the report submitted by the State party provided very little information on that issue. She asked what had been done over the past 10 years to reduce dropout rates in high school, particularly among girls, and requested statistical data on the dropout rates among boys and girls at all levels of education.

47. She asked for information on the number of reported cases of violence against and sexual harassment of girls in school, investigations launched, prosecutions brought and victim rehabilitation, and on any measures taken to prevent, eliminate and punish such conduct. On to the issue of early pregnancy, she asked whether age-appropriate classes on reproductive and sexual health and rights were included in the curriculum at all levels of education.

48. She asked what was being done to encourage women and girls to study traditionally male subjects and whether there were any programmes in place that offered advice to boys and girls on the full range of educational opportunities. She asked whether steps had been taken to eliminate gender stereotyping from textbooks, educational curricula and teacher

training courses and to enhance the role of the education system in the practical realization of gender equality.

49. Lastly, she asked whether there were any adult literacy programmes for women living in rural areas and women members of the Pygmy community and what measures, indicators and time frames had been adopted regarding the assessment of progress in that area.

50. **Ms. Patten** said that the report submitted by the State party contained very little information on women's employment situation: the provisions of article 11 must be addressed thoroughly in the State party's next report. In its current report, the State party indicated that there was no discrimination in employment in Gabon, yet a previous study had pointed to high levels of unemployment among women in urban areas. She asked for an explanation of that discrepancy, information on the factors restricting women's employment and the reason for the low employment rate among women. She requested data on women's participation in the labour force in the public sector; which economic sectors were dominated by women; the gender wage gap; and job-creation initiatives for women. She asked whether job-creation strategies focused on sectors and occupations where women predominated; whether the Government was promoting access for women to traditionally male-dominated sectors and occupations; and how the Government monitored compliance with labour standards, proper working conditions (particularly health and safety for women), and job security and social security for women in both the formal and informal sectors. She asked whether the Government had set up a gender-sensitive labour inspectorate and how the authorities ensured that there was no discrimination in terms of recruitment, remuneration, promotion and working conditions. She also asked for further information on planned amendments to the Labour Code and the time frame for their adoption. Lastly, she asked how the Government was tackling the growth of the informal sector and promoting self-employment and the development of small enterprises among women, and what measures were in place to strengthen women's access to credit and capital.

51. **Ms. Pimentel** asked why the level of maternal mortality remained so high. With regard to sex education, she asked whether there were any public campaigns on sexual health or AIDS prevention that specifically targeted men. According to alternative sources, there was also a high level of mother-to-child transmission of HIV but the State party's report had made no mention of that issue.

52. She asked whether the legislation on abortion would be extended to allow for abortion in cases of rape and incest.

53. Lastly, she requested information on mobile health units for women in rural areas and women members of the Pygmy community who did not have access to contraception and asked whether the State party was preparing indicators that would enable it to provide objective information on health in its next report.

The meeting rose at 1 p.m.